IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13331 of 1998

Dated: 21-02-2007

Between:

1. P. Rangaraju, s/o Ramaraju
   aged about 35 years,
   r/o Kolamuru, Undi Mandal,
   West Godavari District and 5 others.

... Petitioners

and

1. The Executive Engineer, Drainage Division,
   Bhimavaram, West Godavari District and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the respondents in proceeding with the cutting and removal of the

well- grown coconut and other trees situated in the private lands of the petitioners without following due process of law, as arbitrary and illegal

and consequently direct the respondents not to cut and remove the coconut and other trees belonging to the petitioners situated in R.S.Nos.132/3, 135/4, 330, 351/3, 286/4, 285/2, 357/10, 379/4, 378/3, 236/3, 286-4 and 285-2 of Kolamuru, Undi Mandal, West Godavari District.

2. It is the case of the petitioners that they are the absolute owners of the lands in question, which bear coconut and other trees on the bunds of the said lands. The grievance of the petitioners is, that the respondents,
in the name of digging and making the drainage channels wider in the locality, arbitrarily and without following due process of law, are trying to cut and remove the coconut and other trees adjacent to the drainage channel bunds situated in their private lands.

3. Heard learned counsel for the parties.

4. In the counter affidavit filed on behalf of the first respondent it is stated that the Drainage Division, Bhimavaram has not executed any drain in the survey numbers mentioned by the petitioners and the question of cutting and removing trees as well as removal of huts and other structures in the said survey numbers does not arise.

5. In the light of the above averment made in the counter affidavit, this Court is of the view that no further orders need be passed in this writ petition.

6. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.21-02-2007

GLV